

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICKY LEE ROBERTS, II,

Defendant.

Case No. 13-cr-40118-JPG-004

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Ricky Lee Roberts, II's motion for an extension of time to appeal (Doc. 239) the Court's May 17, 2021, order (Doc. 238) denying his motion for compassionate release pursuant to the First Step Act of 2018, Pub. L. No. 115-391, § 603(b)(1), 132 Stat. 5194, 5239 (2018) (codified at 18 U.S.C. § 3582(c)(1)(A)) (Doc. 236).

Federal Rule of Appellate Procedure 4 sets forth the timing rules relating to notices of appeal. Rule 4(b)(1) provides that, in a criminal case, generally a defendant must file any notice of appeal within 14 days of the later of (1) entry of the judgment or order from which the appeal is taken or (2) the government's notice of appeal. Fed. R. App. P. 4(b)(1)(A). The Court may extend the time to file a notice of appeal for excusable neglect or good cause. Fed. R. App. P. 4(b)(4). The Court may extend the deadline for no more than 30 days from the expiration of the 14-day period. *Id.*

The Court entered the order denying Roberts's motion for compassionate release on May 17, 2021, and the Government did not appeal that order. Therefore, Roberts had 14 days—until June 1, 2021 (actually May 31, 2021, but that is the Memorial Day holiday, so the deadline becomes the following day, Fed. R. Crim. P. 45(a)(1)(C))—to file a notice of appeal. The Court is therefore empowered to extend the deadline by 30 days to July 1, 2021. Because counsel has

explained the difficulty communicating with Roberts during the relatively short appeal period, the Court finds good cause for an extension. Accordingly, the Court **GRANTS** the motion (Doc. 239) and **ORDERS** that the appeal period is extended to July 1, 2021.

IT IS SO ORDERED.

DATED: May 25, 2021

s/ J. Phil Gilbert

J. PHIL GILBERT

DISTRICT JUDGE